

## **Office of the Government Corporate Counsel 2020 ANNUAL ACCOMPLISHMENT REPORT**

### ***Mission***

Provision of effective legal services to all government-owned or controlled corporations, their subsidiaries, other corporate off-springs and government-acquired asset corporations.

### ***Vision***

The Office of the Government Corporate Counsel as the premier law office of the Government-Owned or Controlled Corporations, their subsidiaries, other corporate off-springs and government acquired asset corporations is committed to uphold justice under the rule of law with integrity, excellence and professionalism.

### ***Mandate***

Safeguard the legal interest of all government-owned and controlled corporations, their subsidiaries, other corporate off-springs and government-acquired asset corporations.

### ***Core Values***

Integrity

Responsibility

Independence

Discipline

Cooperation

Perseverance

## **LEGAL SERVICES TO CLIENTS**

### **Opinions and Contract Review**

Rendering of Legal Opinions and Contract Reviews are two of the core functions of the OGCC that are, as of this date, ISO Certified. They are performed taking into account a mandated timeline that not only facilitates prompt and efficient action on requests from the client-corporations, but also complies with the requirements of Republic Act (RA) 11032 (“Ease of Doing Business and Efficient Government Service Delivery Act of 2019”).

## *Disposition of Requests*

The year 2020 was marked by an unexpected lockdown in March 2020 and the ensuing imposition of varying levels of community quarantine, which posed logistical, human resource, and technical challenges. Notwithstanding such challenges, as of 31 December 2020, the OGCC achieved a 100% disposition rate for both Opinions and Contract Reviews. These include:

- a. Released reviews as Opinions/Contract Reviews;
- b. Released reviews as Letters;
- c. Released reviews but reclassified;
- d. Rendered initial review but the R2R cycle had to be temporarily suspended pending submission of additional documents and/or pending clarification of related issues from and by clients;
- e. Rendered review but request was subsequently withdrawn by the client;
- f. Rendered review but was subsequently cancelled or became moot; and
- g. Rendered review but the issue and/or contract subsequently became the subject of litigation.

	LEGAL OPINIONS	CONTRACT REVIEWS
Total No. of Requests	<b>447</b>	<b>1,839</b>
Carry over from previous year	23	148
Newly received	424	1,691
Number of:		
Contracts reviewed		<b><u>1,640</u></b>
Opinions rendered	341	
Withdrawn, Cancelled, Became a Case, Reclassified, etc.	15	27
Still being reviewed and for discussion with clients	66	85
For release (not yet due by 31 December 2020)	25	87
Disposition Rate	100%	100%

**Thus, for the year 2020, OGCC has broken all the annual records of the Contracts reviewed since 1935 and is the highest so far even with the quarantine protocol by virtue of the pandemic.**

### *Receipt to Release 20-day Cycle (R2R Cycle) Compliance Rating*

The OGCC has a timeline of twenty (20) working days within which to release a legal opinion or a contract review. It is reckoned from receipt of such request for legal opinions or a contract review. These requests for advice and review invariably involve difficult questions of law and commercial transactions with voluminous documents. At times, the requests for legal opinions or contract reviews lack important documents, and/or necessitate meetings with the requesting client-corporations for clarification purposes. Hence, the occasional need to temporarily suspend the 20 working-day period.

From 01 January 2019 to 31 December 2020, the OGCC rendered the following Legal Opinions and Contract Reviews, at the respective compliance rates set forth for each type of task:

#### **LEGAL OPINION**

Total Number of Released Legal Opinions	381
Total Number of Released Opinions compliant with the 20-day cycle	305
Compliance Rate	80.05%

#### **CONTRACT REVIEW**

Total Number of Released Reviews	1,692
Total Number of Released Reviews compliant with the 20-day cycle	1,578
Compliance Rate	93.26%

#### **COMBINED FIGURES (Legal Opinion + Contract Review)**

Total Number of Released Legal Opinions and Contract Reviews	2,073
Total Number of Released Legal Opinions and Contract Reviews compliant with the 20-day cycle	1,883
<b>OVERALL COMPLIANCE RATE</b>	<b>90.83%</b>

The over-all compliance rate for the year 2020 is 90.83%, which is way above the 80% target of OGCC for 2020. It is worth noting that this 90.83% compliance rate was achieved notwithstanding the unexpected deluge of requests for legal opinion and contract review in 2020 (numbering to more than 2,000 requests) compared to the previous ten-year average of only around 712.

The OGCC's timely capital investment in computers and internet infrastructure in the first quarter of 2020 have paid off as they properly equipped the Office to efficiently handle the unexpected surge in requests for Legal Opinion and Contract Review, despite the lockdown and community quarantine which forced lawyers and staff to adopt a combination of work-from-home and skeleton force work arrangement.

In summary, the OGCC significantly improved its performance in rendering Legal Opinions and Contract Reviews through the years that it has implemented the 20 working-day R2R Cycle.

The table below shows that from the inception of the R2R Cycle in year 2009 where the Office has recorded a 56% performance, it has significantly worked its way to where it is by the end of year 2020, with 91% Compliance Rating, despite the logistical, human resource, and technical challenges:

**R2R OVERALL COMPLIANCE RATES  
COMPARATIVE FIGURES  
2009 - 2020**

<b>2009 TRIAL RUN (May to Dec.)</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	
<b>Total Released CR/OP</b>	599	731	558	627	713	723	691	664	783	956	1,494	2,073
<b>Total Complying CR/OP</b>	333	408	396	482	489	593	596	542	670	785	1,262	1,883
<b>OVERALL COMPLIANCE RATE</b>	<b>56%</b>	<b>56%</b>	<b>71%</b>	<b>77%</b>	<b>69%</b>	<b>82%</b>	<b>86%</b>	<b>82%</b>	<b>86%</b>	<b>82%</b>	<b>84%</b>	<b>91%</b>

### Litigation

Litigation is another core function that OGCC has been performing with increasing efficiency. At the beginning of year 2020, OGCC was handling 5,281 cases as carried over from the previous year 2019. From 01 January 2020 to 31 December 2020, 1,426 new cases were received by the Office from various client corporations, and 156 cases were decided upon/terminated by virtue of Decisions issued by the Courts. **Thus, by considering the new cases received for the whole year and the number of decided/terminated cases, OGCC was handling 6,551 at the end of fiscal year 2020.**

## Cases handled for 2020

Carry over from 2019	5,281
New Cases 2020	1,426
Terminated Cases 2020	156
Total as of 31 December 2020	6,551

The increase in the number of actual cases that OGCC handles can be attributed to: 1) strict adoption of a policy to limit the deputation of private lawyers to handle cases for the government corporate sector. Hence, the OGCC now handles more cases for government-owned and controlled corporations (GOCCs), Government Financial Institutions (GFIs), and Government Corporate Entities (GCEs); 2) the continuing healthier relationship with client-corporations which has resulted in closer working relationship with increased trust and confidence to OGCC; and 3) streamlining of client-corporations' operations and increase in the legal concerns affecting them. For example, Land Bank of the Philippines recently endorsed a total of 1,230 new cases for handling by OGCC.

It is well to add that private lawyers, as well as in-house lawyers of various GOCCs and GCEs duly deputized by the OGCC, are handling their own set of cases that are supervised and monitored by the OGCC. These cases are usually tried in venues outside Metro Manila and which are more cost-effectively handled by private external counsel or in-house counsel based near such areas. By the end of year 2020, the OGCC monitors and supervises 3,114 cases being handled by the said private external counsels and deputized in-house lawyers of client-corporations.

### *Cases with Decisions Rendered within 2020*

Insofar as litigation is concerned, OGCC rendered legal services and the output of which is closely monitored for the whole year. The summary of cases with decisions from the various judicial, quasi-judicial and administrative bodies are, as follows:

	TOTAL	FAVORABLE	UNFAVORABLE
Supreme Court (SC)	31	20	11
Court of Appeals (CA)	58	31	27
Regional Trial Court (RTC)	35	27	8
Commission on Audit (COA)	4	2	2

Civil Service Commission (CSC)	5	3	2
Court of Tax Appeals (CTA)	5	3	2
Insurance Commission (IC)	2	2	0
Municipal Trial Courts (MTC)	2	2	0
National Labor Relations Commission (NLRC)	11	6	5
National Water Resources Board (NWRB)	3	1	2
<b>TOTAL</b>	<b>158</b>	<b>97</b>	<b>59</b>

Other services rendered are as follows:

Number of Pleadings Submitted to Various Courts	1,311
Number of Letters/ Advices Sent-out to Clients and Other Entities	1,176
Number of Hearings Attended	340
Number of Meetings/Conferences Attended	238

Notably, despite workplace restrictions brought about by the COVID-19 pandemic, the OGCC successfully adopted and implemented alternative work arrangements that resulted to a marked improvement in its work output even surpassing its performance last year particularly in the provision of contract reviews, the number of which already reached 1,640.

The exemplary performance of the OGCC is a result of the dedication, sacrifice and collective efforts of all its officials and employees and it is but fitting to give due recognition to their contribution especially in this milestone year as the OGCC celebrates its 85<sup>th</sup> anniversary.